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June 18, 2020

VIA CM/ECF

The Honorable Maryellen Noreika
United States District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801

Re: *Biogen International GmbH et al. v. Amneal Pharmaceuticals LLC, et al.*,
C.A. No. 17-823-MN (Consolidated)

Dear Judge Noreika:

We write on behalf of Defendants MSN, Sandoz, Princeton, Zydus, Hetero and Shilpa. The parties in the instant patent infringement action conducted trial before Your Honor December 6-13, 2019, in which the sole issue was whether U.S. Patent No. 8,399,514 (“the ‘514 patent”) was invalid. As the Court may recall, Defendants’ main argument was that the ‘514 patent was invalid for lack of written description.

We write to inform you that earlier today Judge Irene Keeley of the Northern District of West Virginia issued a “Memorandum Opinion and Order Making Findings of Fact and Granting Judgment in Favor of the Defendant, Mylan Pharmaceuticals Inc.” in which she held claims 1-4, 6, 8-13, and 15-16 of the ‘514 patent invalid for lack of written description. *Biogen v. Mylan Pharmaceuticals Inc.*, No. 1:17-cv-00116 (N.D. W. Va., June 18, 2020), D.I. 400 at 3. Plaintiff Biogen asserted the same claims against Defendants in this case as it asserted against Mylan, and the same issue of written description was presented to the Court in the parties’ trial in December. We enclose the Memorandum Opinion and Order for Your Honor’s consideration.

Respectfully submitted,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (#110)

cc: All Counsel of Record (via electronic mail)